

Patent
Attorney Docket: 302,670-2
(prev 259/221)

REMARKS

In response to the Restriction Requirement mailed on November 18, 2003, Applicant, without traverse, elects to prosecute claims 1-17 and 20-53 (Group I). Claims 18, 19, and 54-78 are cancelled. In addition, Applicant has added new claims 79-85. The newly added claims are consistent with the election of the method of separating particles with a moving optical gradient. Applicant has also amended the Title of the Invention in light of the currently pending method claims.

Applicant has also amended certain of the pending Group I claims. Specifically, claim 1 has been amended to recite the feature that the particles have different dielectric constants and that the particles move at different velocities related to the particle's dielectric constant. A similar amendment has been made to dependent claim 22. Claim 36 has been amended to even more clearly recite that the medium is a guided medium.

//

//

//

//

//

//

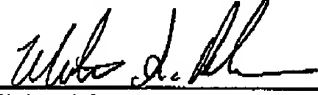
Patent
Attorney Docket: 302,670-2
(prev 259/221)

Examination on the merits is earnestly requested. If there are any questions concerning this paper, please contact the undersigned at (949) 737-2926.

Respectfully submitted,

O'MELVENY & MYERS, LLP

Dated: 11/25/03

By: 
Michael S. Davidson
Reg. No. 43,577
Attorneys for Applicant

MSD/dhd

Customer No.

34263

PATENT TRADEMARK OFFICE

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

IR1:1050089.1